IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 22768 of 2004

Between:

Mrs. K. Sujatha, D/o Late K.Krishna Murthy,
R/o Flat No. 406, Grace Apartments, Opp: Humayunnagar Post Office,
Mehdipatnam, Hyderabad.

..... PETITIONER

AND

1.The Government of Andhra Pradesh, Health, Medical and Family Welfare, Rep. by its Principal Secretary, Secretariat, Government of Andhra Pradesh,Hyderabad.
2.The Director of Medical Education, Government of Andhra Pradesh, Koti, Hyderabad.
3.The Global Hospital, rep. by its Managing Director,
Road No.1, Banjara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order, or, direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Government in not appointing the authorization committees as required under Section 9(4) of A.P. Transplantation of Human Organs Act 1995 as illegal, unconstitutional and contrary to the provisions of the Act and consequently direct the respondents 1 and 2 to constitute an authorization committee by issuing a notification immediately and further direct, the said committee to conduct enquiry immediately as per the procedure prescribed under the A.P. Transplantation of Human Organs Act 1995 and the rules made there

under and take immediate decision for granting permission for Transplantation of organs of the petitioner's son ie., Sri K. Venkatesh and also direct the 3rd respondent to implement the orders of the committee without any delay.

Counsel for the Petitioner: Mr. T.RAJENDRA PRASAD

Counsel for the Respondents 1&2:The Government Pleader for

Medical Health & Family Welfare.

Counsel for Respondent No.3: None appeared.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

This is a petition filed by Mrs. K.Sujatha, D/o late K.Krishna Murthy, aged about 50 years, questioning the inaction on the part of the Government in not constituting the Authorisation Committee under Section 9(4) of the Andhra Pradesh Transplantation of Human Organs Act, 1995 (for short "the Act").

It is stated that petitioner's son is suffering from advanced "Duchene Muscular Dystrophy" and has been on ventilatory support. Doctors have now informed that his condition is beyond cure, and, there is likelihood of death occurring at any moment. It is stated that body organs are to be donated, which cannot be done unless Authorisation Committee is constituted.

When Petition was taken-up, after motion being made today, in the afternoon session, learned Government Pleader for Medical Health and Family Welfare states that there is already Authorisation Committee duly constituted under the provisions of the Act, headed by the Director of Medical Education, Government of Andhra Pradesh – Respondent No.2 herein.

In view of the fact that the Authorisation Committee is already constituted and is functioning, we direct that the request made in this Writ Petition be treated as a request for removal and transplantation, and, the decision on the same may be

taken, as expeditiously as possible.

The Writ Petition stands disposed of. No costs.

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DEVINDER GUPTA, C.J.

08.12.2004.

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M.NARAYANA REDDY, J.

VR

NOTE:

Communicate operative portion

by wire at party's cost.

(BO)

VR.

To

1.The Principal Secretary to Government of Andhra Pradesh, Health, Medical and Family Welfare, Secretariat, Government of Andhra Pradesh,Hyderabad.
2.The Director of Medical Education, Government of Andhra Pradesh, Koti, Hyderabad.
3.The Managing Director, Global Hospital, Road No.1, Banjara Hills, Hyderabad.

4. Two CCs to Government Pleader for Medical Health & Family Welfare, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.